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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,404	03/26/2004	Philip H. Doragh	200316637-1	3286

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EXAMINER

GELIN, JEAN ALLAND

ART UNIT	PAPER NUMBER
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2617

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/811,404	Applicant(s) DORAGH ET AL.	
	Examiner Jean A. Gelin	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the Applicant's arguments filed on September 07, 2007 in which claims 1-38 are currently pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 14, 20, and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 14, 20, and 33, the phrase "a request to disassociate from said access point" is not clear. The Examiner does not see what device has been disassociated from the access point. Appropriate correction is required.

Claims 2-13, 15-19, 21-32, and 34-38 are also rejected because they depend from claims 1, 14, 20, and 33.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-9, 14-17, 19-28, 33-36, and 38 are rejected under 35 U.S.C. 102(a) as being anticipated by Oar et al. (US 2003/0159074).

Regarding claims 1, 20, Oar teaches transmitting, from a wireless local area network (LAN) device ([0013]) of a host device (22) to an access point of a wireless network (inherently coupled to wireless network 26), a request to disassociate from said access point, said request to disassociate further comprising a request to monitor for wake events for said host device ([0021]-[0023]); and switching off a transceiver of said wireless LAN device after transmission of said disassociate request (i.e., once the device has sent out the event notification message, the device places itself back to sleep mode [0024] and [0026]).

Regarding claims 2, 21, Oar teaches said wireless network comprises a wireless LAN (WLAN can be used to implement wireless network 26 of fig. 1 [0013] and [0025]).

Regarding claims 3, 22, Oar teaches switching on said transceiver of said wireless LAN device (i.e., upon occurrence of an event, awaking the portable computer [0017]).

Regarding claim 4, 23, Oar teaches switching on said transceiver of said wireless LAN device in response to occurrence of an event ([0017]).

Regarding claims 5, 24, Oar teaches switching on said transceiver of said wireless LAN device after a predetermined time period ([0023]).

Regarding claims 6, 25, Oar teaches transmitting a request inquiring whether at least one wake event for said host device occurred while said transceiver was switched off (past undelivered event notifications can be delivered which means events collected when transceiver was switched of [0023]).

Regarding claims 7, 26, Oar teaches wherein said transmitting said request comprises transmitting said request to said access point monitoring for wake events for said host device ([0024]-[0026]).

Regarding claims 8, 27, Oar teaches switching said host device to an operating mode in response to receiving an indication that at least one wake event for said host device occurred while said transceiver was switched off ([0013]-[0026]).

Regarding claims 9, 28, Oar teaches switching off said transceiver of said wireless LAN device in response to receiving an indication that no wake event for said host device occurred while said transceiver was switched off ([0023]-[0026]).

Regarding claims 14 and 33, Oar teaches receiving, from a wireless local area network (LAN) device of a host device, a request to disassociate from an access point, said request to disassociate further comprising a request to monitor for at least one wake event for said host device ([0021]-[0023]); and transmitting, in response to receiving a request for a wake event status, a wake event status indicating whether at least one wake event for said host device occurred ([0021]-[0023]).

Regarding claims 15 and 34, Oar teaches monitoring for at least one wake event for said host device ([0021]).

Regarding claims 16 and 35, Oar teaches receiving said request for said wake event status from said wireless LAN device ([0023]-[0025]).

Regarding claims 17 and 36, Oar teaches determining whether said wireless LAN device from which said request for said wake event status is received is a known wireless LAN device ([0024]-[0026]).

Regarding claims 19 and 38, Oar teaches updating a status of said wireless LAN device in an association table of said access point in response to determining that at least one wake event for said host device has occurred ([0025]-[0026]).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 10, 18, 29, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oar et al. in view of Rue (US 2003/0185172).

Regarding claims 10, 18, 29, and 37, Oar teaches all the limitations as recited in the claims except determining a second access point of said wireless network in response to said wireless LAN device not being within range of said first access point.

However, the preceding limitations are known in the art of communications. Rue teaches the mobile node moves to another access point, that is, a second access point; when the signal of the first access point has been weakened the mobile node scans another new access point until it acquires a signal of the second access point corresponding to one the mobile node moves in the coverage area of the second access point, outside of the first access point, a channel is allocated to the mobile node for communication ([0028]-[0030]). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Rue

within the system of Oar in order to increase the coverage area of the mobile node and increase user's mobility.

Allowable Subject Matter

8. Claim 11-13 and 30-32 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments filed 09/07/07 have been fully considered but they are not persuasive.

As per claims 1, 14, 20, and 33, the Applicant argues that Oar teaches a system which responds to an event which awakens a computer system from a sleep mode or suspend mode. But Oar fails to teach a request to disassociate from said access point, said request to disassociate further comprising a request to monitor for wake events for said host device, and switching off a transceiver of said wireless LAN device after transmission of said disassociate request. However, the Examiner disagrees with the preceding assertion. Oar teaches the computer waits for acknowledgement notification of events notification before returning to sleep mode or once the computer has sent out the event notification message the portable computer places itself back into the suspended mode until the user returns to turn the computer on (corresponding to switch off the transceiver after receiving the event of notification, this notification interpreted as

the request to disassociate, See [0021]-[0024]). Therefore, the previous rejection is maintained.

As per dependent claims 2-9, 15-17, 19, 21-28, 34-36, and 38, the Applicant argues that they are not anticipated by Oar because they incorporate the limitations of claims 1, 14, 20, and 33. However, the Examiner disagrees with the preceding arguments because the rejections of claims 1, 14, 20, and 33 are maintained as recited above.

The Applicant further argues that claims 10, 18, 29, and 37 are patentable over the cited references because they incorporate the limitations of independent claims 1, 14, 20, and 33. However, the Examiner disagrees with the preceding arguments because the rejections of claims 1, 14, 20, and 33 are maintained as recited above.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A. Gelin whose telephone number is (571) 272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JGelin
November 26, 2007

Jean Gelin 11/26/07